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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Magistrate Case No.

'08 MJ 1134

Plaintiff,

By: J

v.

COMPLAINT FOR VIOLATION OF:Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

Defendant(s)

)

)

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008**, within the Southern District of California, defendant **Alberto PONCE-Fimbres** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Roberto LOPEZ-de la Cruz, Luis PACHECO-Haro, and Hugo Eduardo MARTINEZ-Pacheco** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF APRIL, 2008.



 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Alberto PONCE-Fimbres***TKM***PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Roberto LOPEZ-de la Cruz, Luis PACHECO-Haro, and Hugo Eduardo MARTINEZ-Pacheco** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 12, 2008, Border Patrol Agents J. Harris and C. Loucel were assigned to roving patrol duties in the Campo Station area of operations. Agent's Harris and Loucel were operating in uniform and in a marked agency vehicle. At approximately 5:15 a.m. Agents Harris and Loucel noticed a black Ford Bronco that was driving north on Crestwood Road and then entered the Interstate 8 westbound. Crestwood Road is notorious for load vehicle drivers to use as it gives direct access to Old Highway 80 and Highway 94 that both have access to the border. Due to the Interstate 8 westbound Check Point being closed due to high winds, Agent's Harris and Loucel decided to follow the black Bronco west on Interstate 8. Once Agent Harris closed the distance to the Bronco, he noticed that the Bronco seemed to be heavily laden like there was a great deal of weight in the rear cargo area and he also noticed a blanket covering a large lump with hands holding the blanket down. Alien smugglers frequently hide their human cargo in the beds of pick-up trucks and SUV's while covering the smuggled aliens with various inconspicuous objects, for example blankets and tarps in order to avoid detection.

Before Agent Harris could run the plate on the Bronco, the driver of the Bronco accelerated away from him and then abruptly pulled to the shoulder and stopped approximately one mile west of the Crestwood Road exit in the westbound lanes of Interstate 8. The driver exited the Bronco and attempted to run. After a short foot pursuit, Agent Harris apprehended the driver later identified as the defendant, **Alberto PONCE-Fimbres**. Agent Loucel approached the Bronco and discovered 13 individuals in the rear cargo area attempting to hide under a blanket. Agents Harris and Loucel verbally and visually identified themselves as Border Patrol Agents and conducted an immigration interview on the defendant and the 13 individuals that were in the Bronco. All individuals freely claimed to being citizens and nationals of Mexico not in possession of proper immigration documentation that would allow them to enter or remain in the United States legally. At approximately 5:20 a.m., Agents Harris and Loucel placed all 14 individuals under arrest including the defendant and transported them to the Campo Border Patrol Station.

DEFENDANT STATEMENT:

The defendant **Alberto PONCE-Fimbres** stated his cousin Carlos La Mesa made arrangements for him to meet with a smuggler who's name was "El Guero". The defendant stated that he illegally crossed the U.S./Mexican border with a group of 31 other illegal aliens including his girlfriend. The defendant stated that when they got to Old Highway 80 and the Live Oaks Springs area, the foot guide signaled a white truck that was in the area on Old Highway 80 using the light from his cell phone. The defendant stated that he and approximately 15 other illegal aliens got in to the bed of the white truck, leaving approximately 15 other illegal aliens behind to wait for the next load vehicle. Once the defendant arrived at the load house in San Diego the defendant stated that he realized that his girlfriend had been left behind with the rest of the group. The defendant was told that the group he road with was going to leave for Los Angeles before the rest of the group was going to get picked up and brought to the load house. The defendant states that he told an undisclosed person that he couldn't go on to Los Angeles without his girlfriend. The defendant stated that he was asked if he knew how to drive and that if he was willing to go back to where he was picked up and drive

CONTINUATION OF COMPLAINT:**Alberto PONCE-Fimbres**

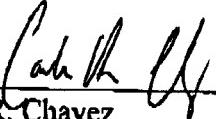
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the rest of the group and that his girlfriend's fee for being smuggled would be waived. The defendant stated that he agreed to those terms and says that he was driven in a white Toyota Corolla to the Golden Acorn Casino where the black Ford Bronco was parked in the parking lot. The defendant stated that he drove the Bronco to Live Oaks Springs and picked up the rest of the group. The defendant stated that he was told by a foot guide that if he was stopped by the "Migra" to get out and run and have the rest of the group do the same. Shortly after the defendant noticed a Border Patrol vehicle following him, the defendant stated that he pulled the Bronco over, told everyone to run and then exited the Bronco and ran for a short time before he was caught by a Border Patrol Agent.

MATERIAL WITNESSES STATEMENTS:

Material witnesses Roberto LOPEZ-De la Cruz, Luis PACHECO-Haro, and Hugo Eduardo MARTINEZ-Pacheco all freely admitted to being citizens and nationals of Mexico illegally present in the United States without the proper documentation to be in/enter the United States. All three witnesses were going to different locations in the interior United States. All three material witnesses were to pay a smuggling fee ranging between \$1,500.00 and \$2,500.00. Material witnesses LOPEZ-De La Cruz, PACHECO-Haro and MARTINEZ-Pacheco were able to positively identify the defendant Alberto PONCE-Fimbres as the driver of the Ford Bronco.

Executed on April 13, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 12, 2008, in violation of Title 8, United States Code, Section 1324.



Barbara L. Major
United States Magistrate Judge

Date/Time